

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Floyd E. Patterson Jr.

(In the space above enter the full name(s) of the plaintiff(s).)

16 1604

- against -

Janine L. Quigley "Warden"

Kevin S. Barnhart "County Commissioner"

Mark C. Scott Esq. "County Commissioner"

Christian V. Leinback "Commissioner chair"

Lt. Castro

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Floyd Edward Patterson Jr.
ID # ME0075
Current Institution ~~SCI Somerset~~ SCI Somerset
Address 1600 Walters Mill Rd
Somerset, PA 15510

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Tanine L. Quigley Shield # Warden
Where Currently Employed Berks County Jail/Prison
Address 1287 County Welfare Road.
Leesport, PA 19533

Defendant No. 2 Name Kevin S. Barnhart "county commissioner" Shield # _____
Where Currently Employed Berks County Jail/Prison
Address 1287 County Welfare Road
Leesport, PA 19533

Defendant No. 3 Name Mark C. Scott Esq. "county commissioner" Shield # _____
Where Currently Employed Berks County Jail/Prison
Address 1287 County Welfare Road
Leesport, PA 19533

Defendant No. 4 Name Christian V. Leinbach "commissioner chair" Shield # _____
Where Currently Employed Berks County Jail/Prison
Address 1287 County Welfare Road
Leesport, PA 19533

Defendant No. 5 Name Leutnant "Lt." Castro Shield # _____
Where Currently Employed Berks County Jail/Prison
Address 1287 County Welfare Road
Leesport, PA 19533

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? Berks County Jail/Prison

B. Where in the institution did the events giving rise to your claim(s) occur? All of the housing unit blocks, and throughout the entire Jail.

C. What date and approximate time did the events giving rise to your claim(s) occur? Feb 14th, 2014 to July 28, 2015

What
happened
to you?

D. Facts: The defendants are the Assailance in this matter, because
all of the defendants held a position to be reported to or have the
power to investigate and make a change. The claims stated in this
suit all occurred at the Berks County Prison from Feb 14, ²⁰¹⁴ to July
28, 2015. The violations that will be proven in this claim are as Followed:
The 1st, 4th, 5th, 6th, and 14th Administrative rights, along with the prisons policy
for zero tolerance concerning Sexual harassment/Assault, and poor
living conditions. Lets not forget the right to medical service and
proper care. I have attached to the back of this page marked
as section D part 2, a paragraph summary of each event that
has taken place along with a list of witness's who will vouch
for anyone of the violations or all if need be. Each witness has
established his own paper trail via grievance and appeal system.
I hope and pray that after all is said and done, that my
case and claims would be heard in court due to the seriousness
of these issues and claims. Something has to be done or else
the murder rate or death toll in Berks County Prison will escalate.
A single parent's death was already covered up, when
she "she being the mother" reported chest pains which is a medical
emergency, and was told by lazy personell to submit a request slip only to
have the Mother found dead the next morning. All this took place at Berks County Prison.

Who
did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Injury to my left hand, damage is still
noticeable, all i recieved was an X-ray and pain meds, when I obviously needed
better treatment. Lower back pain worsen to the point of me supposed to be
scheduled for an (MRI) + (CAT scan), but it never happened. Ankle Injury was
totally Ignored, foot was swollen in 3 different spots even E.O.'s was worried
about the damaged done but all I recieved was Ice packs and a X-ray, no
serious medical help was ever given. Chest pains and breathing problems were
Ignored. No treatment period for the sexual Assault/harassment.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

Section D part 2:

03-16-16

1) Freedom of speech & religion-

The violation of such a right is very easily accomplished and practiced by Berks County Jail/Prison personnel via punishments of all variety's, placed upon its human inhabitation called Inmates/Detainees. Punishment for using such rights are issued out by Berks County Jail/Prison "BCP/BCJ" via Unit Actions. Assault, harassment, removal from any activity, or solitary confinement. When such events transpires and a (SRGT/Lt) is asked for, our rights by prisoner's law is either denied or totally ignored. If anything the officers of higher rank try to cover their friends and fellow officer's mistakes. Being free from discrimination of religion and or speech is impossible in (BCJ/BCP) due to the prejudicisms and hatred involved to the Islamic religion which all boards down to the lack of control and professionalism exhibited by (BCJ/BCP) personnel. How and in what way is it professional to have special operation group "SOG" officers standing over muslims during Jumal service's with their fingers on the triggers of their drawn guns. It's a degrading and disrespectful show of hatred to the Islamic Religion and the Islamic Community's, treating us all as terrorist or prisoner's of war.

2) Sexual Assault/harassment:

I have gone through numerous sexual assault/harassment issues while being incarcerated period. But none of the other's amount to what transpired and goes on in (BCJ/BCP). After all the correct personnel have been notified of me being sexually Assaulted as a child, I became a victim of torment and cruel jokes.

From multiple unnecessary strip searches by correctional officers who makes crude and unsavory request, to penis being drawn on my grievances. When notifying unit officers I was dilibertly laughed at and harassed. Due to it being a →

older woman that victimized me in my youth, my sexuality has come into question and a known focus point of torment. And when I reached out to phycology and the counslor of my unit, I was ignored and brushed under the carpet as if a woman taking advantage of a young man is acceptable and not worth their attention. As if me being sexually assaulted & harrassed in their Jail is not serious. (BCJ/BCP) is so cruel in there practice that officers walk in and out of inmates cell while they are sleep, and when events are reported, its correctional officers words over an inmate who are believed to be trouble maker and a nuisances. We are forced by (BCJ/BCP) policy to obey any order given or we get severely punished. Cry's for help are ignored in (BCP/BCJ).

3.) Poor living Conditions:

The BCP/BCJ houses its inhabitance in a very poor and endangering living enviornment. The Inmates/Detainees of BCP/BCJ including those of its employees are surrounded by black mold. Which is a health hazzard thats known to cause (Bronchitis, sever allergic reactions, and also lung disease and death) upon a substantial amount of exposure time. Inmates are forced to clean the black mold infested cells with inadequate products and protection, a few inmates are even forced to sleep, eat, and live in the black mold infested cells. Another issue is that the Inmates/Detainees are forced to live and eat in an area of repulsive confinement that house there toilet in under an arm reach length away. Another issue is the ~~rodent~~ rodent infestation, leaky roofs, and other carpentry errors caused by the lazy and Ignorant personel of (BCP/BCJ) committee. (BCP/BCJ) care's so little for their inhabitance safety and well being, that fire damage bricks are painted over instead of replaced.

4.) Medical Care Failure:

03-16-16

I have had everything from personal injury's ~~ing~~ ignored, Medication malfunction, to prejudice and retaliation via the removal of my medication done to me. And to be completely honest, those claims amount to nothing compared to the system and silent understanding acknowledge by both medical and (BCP/BCT) personnel to assist each other in the hiding of illegal activity's and assaults done to the Inmates / Detainees. Some medical personnel would like to speak out but the fear of losing their jobs keeps them silent.

5.) Retaliations:

With all the previously numerical statements and more complained about via grievance system, I have received retaliations of all its possible forms. From loss of job, vandalism of grievances, Unit Actions, "physical, sexual, and mentally assaulted and harassed", life endangerment, unprofessional and indecent searches of both cell and body, and punishment via food loaf.

Inmate Witness's

- Kedar Mehadi
- Michael Williams
- Pedro Encarnacion
- Rodi Olivencia
- Ivan Perez
- Michael Santos
- Omar Altruz
- Michael Reaves

Employee Witness's

- CO. Kennedy
- CO. Eltrich
- CO. Kowalski
- SGT. Douglas
- SSG Buttersworth

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Berks County Jail/Prison

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? All of my claims

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

In Berks County Jail/Prison system

1. Which claim(s) in this complaint did you grieve? All claims were grieved and established in hopes to make a sufficient paper trail.

2. What was the result, if any? None, only disrespectful, unprofessional, antagonizing, and yes sexual response's that amounted to nothing.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I wrote to the warden of the Jail as the policy of the grievance process at Berks County Jail/Prison requires. I tried verbally attempts to talk with personnel. I wrote to the Department of Corrections. I tried everything in my power besides going to the media, to remedy and exhaust these issues.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: ^{Some} ~~So things~~
~~could not be grievanced or deem grievanceable by company~~
~~policy. For instance the sexual Assault and harassment incidents~~
~~had to be reported, which I did, but was brushed under the carpet.~~
~~And every unit Actions was deem a non-grievanceable issue.~~
2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: ~~Multiple officers including~~
~~Ken Kennedy and "Howkalski" (name might be spelled wrong), about~~
~~me getting a grievance built with a prais on it. I also went~~
~~and informed the warden, to no avail.~~

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

~~The Grievance coordinator that I wrote is named Janelle~~
~~Ordway. I would like to be promptly notified if the Jail~~
~~claims to have lost paperwork because I mailed my copy's~~
~~to a safe place.~~

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

~~All reliefs are understandable and fair,~~
~~while also focused on Bettering (BCL/BCT) for its inhabitants and employees. The~~
~~obvious reliefs are as followed: A ban placed on guns being present at~~
~~Religious services, Contract a prisoner's right member as grievance coordinator,~~
~~Invest in a feeding area, Allow inmates one free copy of every piece of medical~~
~~records to get a second opinion, Ban the use of food loaf as punishment,~~
~~Allow hearings for unit Actions, Contract an outside vendor to oversee all~~

sexual Assaults/harrassment issues, Invest in rebuilding parts of the damaged Jail.

Monetary Compensation -

total is \$2,000,000.00, \$1,100,000.00 for medical expenses, lifetime damage, lifetime therapy, mental/sexual Assault and harrassment. \$750,000.00 intotal for each right violated of a \$150,000.00 a piece. And \$150,000.00 to be donated between Islamic non-profit organization for the total disrespect, degrading, belittling, and prejudice assault given to the Islamic religion.

I believe what I ask for is reasonable, \$1,100,000.00 is neither over the top or under the estimate amount that will be need to do as reasons state to be done. \$750,000.00 is reasonable due to the violation of 5 Amendments, which is disrespect not only to me as a victim but also the representatives, and government of the United States which issued these laws to be obeyed. The \$150,000.00 donated to Non-profit Islamic organization is necessary to make admodas for the disrespect and violations of the religion it's self. I only ask what is due to me for having damage done, and having to live with such damage and knowledge.

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

- ☒ If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

On
these
claims

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

C. Have you filed other lawsuits in state or federal court?

Yes ____ No ☒

- Ø. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of March, 2016.

Signature of Plaintiff

[Signature]

Inmate Number


MC0075

Institution Address

SCI Somerset
1600 Walters Mill Rd.
Somerset, PA 15510

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 16 day of March, 2016, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: 
Floyd Patterson #MCO075
1600 Walters Mill Rd
Somerset, PA 15510